THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 25th day of April,2007

W.P.No.18046 of 1998

Between:-

Smt. Ishrathunnissa Begum … Petitioner

and

The District Collector,
Mahabubnagar, Mahabubnagar
District and others …
Respondents … Respond

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.18046 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings No.D9/8289/97, dated 2-6-1998 issued by the 1st respondent asking the 2nd respondent to conduct a fresh enquiry as arbitrary and illegal and consequently to direct the 1st respondent to pass final orders in respect of the petitioner's social status based upon the enquiry reports of the Mandal Revenue Officer, Jadcherla, vide Proceedings No.E/5227/97, dated 30-11-1997 and the Proceedings No.L/1504/97, dated 13-12-1997 of the 2nd respondent-Revenue Divisional Officer and also the report of the District Backward Class Welfare Officer, Mahabubnagar in his letter No.BC3/611/97, dated 9-1-1998.

It appears, one B. Rama Rao (3rd respondent herein) filed a complaint against the petitioner before Upa Lok Ayuktha and also the District Educational Officer, Mahabubnagar. The Lok Ayuktha, after conducting a detailed enquiry into the matter found that the complaint given by the 3rd respondent (Complaint No.843 of 1997) is not based on correct facts and it was clearly established that the petitioner herein did not produce any false caste certificate as a Backward Class candidate and she belongs to BC community, and as such, the complaint was dismissed. Further, the District Backward Class

Welfare Officer, Mahabubnagar also conducted an enquiry and submitted a report stating that it is revealed during the enquiry that the petitioner herein originally hails from 'Dudekula' community. Further, the 2nd respondent-Revenue Divisional Officer by his letter dated 13-12-1997 reported to the 1st respondent that as per the enquiry report of the Mandal Revenue Officer, Jadcherla, the petitioner belongs to 'Dudekula' caste and the then Tahsildar, Jadcherla vide Proceedings No.A7.8050/81, dated 2-11-1981 has issued a certificate stating that the petitioner belongs to 'Dudekula' caste and hence, it was certified that the petitioner belongs to 'Dudekula' caste (B.C.). All these enquiry reports have been submitted to the 1st respondent-District Collector, but the 1st respondent has not acted upon the same. In the meanwhile, it appears, the 3rd respondent, aggrieved by the Orders passed by the Lok Ayukhta filed a Writ Petition in W.P.No.8616 of 1998, which was disposed of by a Division Bench of this Court on 13-4-1998 holding as under:

> "The grievance of the petitioner in this Writ Petition is that his representation dated 28-4-1997 complaining that the social status certificate produced by the 8th respondent viz., Smt. Ishrathunnissa Begum, W/o Mohd. Arif Pasha, Mahabubnagar, is not a genuine one, has not been disposed of by the 4th respondent, viz., the District Collector, Mahabubnagar.
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> In the circumstances, the 4th respondent viz., the District Collector, Mahabubnagar is directed to dispose of the petitioner's representation dt.28.4.97 as expeditiously as possible, preferably within six months from the date of receipt of a copy of this Order, giving opportunity to the petitioner as well as the 8th respondent.
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> The Writ Petition is accordingly disposed of at the stage of admission."

Thereafter, the impugned Proceedings have been issued by the 1st respondent contemplating a fresh enquiry into the matter. According to

the petitioner, there is no necessity of conducting any fresh enquiry into the matter. The entire material is before the 1st respondent and he can take action as per the reports submitted by the Mandal Revenue Officer, Jadcherla, 2nd respondent-Revenue Divisional Officer, the District B.C. Welfare Officer, Mahabubnagar etc. Instead of doing so, a fresh enquiry has been ordered, which is arbitrary and illegal.

The said Rama Rao, got impleaded himself in this Writ Petition as 3rd respondent and filed a detailed counter affidavit stating that the enquiry conducted by the Lok Ayuktha was not proper and he was not given any opportunity to appear before him and explain his case.

May be, the petitioner was not given any notice by the Lok Ayuktha, but now a fresh enquiry is contemplated by the 1st respondent. Already, material is before the 1st respondent and the 3rd respondent is at liberty to make all his submissions before the 1st respondent while hearing the matter. In the circumstances, I am of the opinion that there is no necessity of conducting a fresh enquiry into the matter. The reports submitted by the Officers concerned would reveal that a detailed enquiry was conducted in the village and the statements of the village elders were also recorded. Therefore, the 1st respondent is at liberty to pass appropriate orders on the basis of the enquiry reports submitted by the concerned Officers. As such, the impugned Order is liable to be set aside and is accordingly set aside.

Accordingly, the Writ Petition is allowed. No order as to costs.

25-4-2007

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